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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,353	02/10/2006	Terje Moldestad	P17015-US1	2578
27045	7590	11/29/2009		
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024				
EXAMINER				
NG, FAN				
ART UNIT		PAPER NUMBER		
2471				
MAIL DATE		DELIVERY MODE		
11/20/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/540,353

**Applicant(s)**

MOLDESTAD ET AL.

**Examiner**

Fan Ng

**Art Unit**

2471

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 and 4-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 08/27/2009 have been fully considered but they are not persuasive.

Regarding to claim 2, applicant argued, Kuehnel (prior art) only has single MPLS label and does not have inner and outer labels as described in the current invention, on page 6, 3<sup>rd</sup> paragraph.

Applicant also argued, Kuehnel (prior art) made no distinction between inner and outer labels in page 7-8 and cited paragraph [0011, 0045, 0008] from Kuehnel for showing that Kuehnel gives a MPLS label to an IP packet when entering the MPLS network.

In response to applicant's argument, the examiner respectfully disagrees with the argument above.

As show in fig. 1 of Kuehnel, examiner takes #5 (IP header) as inner label and #7 (MPLS label) as outer label, because in claim 2 the inner label is defined as "*at least one inner MPLS label uniquely addressing a PCM system within the second circuit switch node*". Since the IP header uniquely address a destination (fig. 2, after #17 is circuit switch network), and the IP header is more inner (inside) than the MPLS label (fig. 1, #1), moreover, it go through the MPLS network, thus it can be called inner MPLS label.

Please refer to claim 2 below for more detailed information and reason to combine.

***Response to amendment***

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuehnel (2004/0202148) and Li et al. (20040213205).

Regarding to claim 2, Kuehnel teaches stacking the data frame with at least one inner MPLS label uniquely addressing a PCM system within the second circuit switched node **(fig. 1, #5 is an inner ip header, which go through MPLS network and uniquely address an destination)** and at least one outer MPLS label **(fig. 1, #7)** identifying a fixed path of consecutive packet switched nodes within the packet switched network **[[0008]: outer label is added to specify the fixed path, fig. 2, between #11, #17 is packet network)**, said outer label includes addresses of all the packet switched nodes included in the fixed path in addition to an address of the second circuit switched node **[[0008]: “the label identifies the path throughout the network”, which means all nodes in the path is identified. [0045]]**. And in the second circuit switched node,

removing the outer MPLS label (**fig. 4B, #S11, outer label is removed**) and transferring the time slots to the PCM system addressed by the inner label (**inner label specify a unique destination**). Kuehnel doesn't teach the time slot (data transmitted in time) translation between packet switch network and PCM system, but Li teaches use the communication between data packet format and PCM system (**Fig. 3, [0003]**). Thus, it would have been obvious for one of ordinary skill in the art to implement Li into Kuehnel, Kuehnel teaches data transfer from MPLS network (data packet format) to IP or non-IP network, but does not disclose a PCM system as destination network and Li suggest that the data conversion between data packet formation and PCM system, such as it is obvious to place an PCM system at the destination, in case the voice data need to be transfer to PSTN rather than packet format.

Regarding to claim 4, Kuehnel and Li teach the method according to claim 2, comprising the step of: Kuehnel teaches in the first node, including the address of the first packet switched node of the fixed path as the outer label (**fig. 1, #7 is the outer label, which must contain the address of first switched node, and shown in fig. 2, otherwise the packet do not know where to go**), and, in each of the consecutive packet switched nodes, exchanging the content of the outer label with the address of the packet switched node following current packet switched node (**[0008]: this is the general concept of label switching, and [0018]: each MPLS converter assign label accounting to the IP packet header fig. 1, #5**).

Regarding to claim 5, Kuehnel and Li teach the method according to claim 2, Kuehnel teaches wherein that the first and the second circuit switched nodes are Label Edge Routers (LERs) **(fig. 2, #11, 17, [0033] and [0026])** and the packet switched nodes are Label Switched Routers (LSRs) **(fig. 2, #15, MPLS converter switch label thus it is a label switch router, [0018])**.

Regarding to claim 6, Kuehnel and Li teach method according to claim 2, Kuehnel teaches wherein that the circuit switched connection is a 64 kbits **([0004])** connection and the number of time slots in the data frame is 32 or 24.

However, it is generally considered to be within the ordinary skill in the art to adjust, vary, select or optimize the numerical parameters or values of any system absent a showing of criticality in a particular recited value. The burden of showing criticality is on Appellant.) In re Mason, 87 F.2d 370, 32 USPQ 242 (CCPA 1937); Marconi Wireless Telegraph Co. v. U.S., 320 U.S. 1, 57 USPQ 471 (1943); In re Schneider, 148 F.2d 108, 65 USPQ 129 (CCPA 1945); In re Aller, 220 F.2d 454, 105 USPQ 233 (CCPA 1955); In re Saether, 492 F.2d 849, 181 USPQ 36 (CCPA 1974); In re Antonie, 559 F.2d 618, 195 USPQ 6 (CCPA 1977); In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).  
using the above parameters or values since it is generally considered to be within the ordinary skill in the art to adjust, vary, select or optimize the numerical parameters or values of any system absent a showing of criticality in a particular recited value.

Regarding to claim 7, Kuehnel and Li teach the method according to claim 2, Kuehnel teaches wherein the first circuit switched node and the second circuit switched node are exchanges in a public telephone network ([0008]).

Regarding to claim 8, Kuehnel and Li teach the method according to claim 2, Kuehnel teaches wherein that the circuit switched connection is a real-time connection like a telephone call connection ([0004]).

### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fan Ng whose telephone number is (571) 270-3690.

The examiner can normally be reached on Monday-Friday; 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. N./  
Examiner, Art Unit 2471

/Chi H Pham/  
Supervisory Patent Examiner, Art  
Unit 2471